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8

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-16

13 SUSAN CAROL MOLINA,
a.k.a. SUSAN C. MOLINA
14 2055 13th Street
Clarkton, WA 99403

DEFAULT DECISION

[Gov. Code §11520]

15 Registered Nurse License No. 587243
16 Public Health Nurse Certificate No. 64473

17 Respondent.
18

19 **FINDINGS OF FACT**

20 1. On or about July 16, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs, filed Accusation No. 2008-16, against Susan Carol Molina, also known as
23 Susan C. Molina ("Respondent"), before the Board of Registered Nursing.

24 **Registered Nurse License No. 587243**

25 2. On or about September 12, 2001, the Board of Registered Nursing
26 ("Board") issued Registered Nurse License Number 587243 to Respondent. Respondent's
27 registered nurse license expired on July 31, 2005.

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1 **Public Health Nurse Certificate No. 64473**

2 3. On or about November 30, 2001, the Board issued Public Health Nurse
3 Certificate Number 64473 to Respondent. Respondent's public health nurse certificate expired
4 on July 31, 2005.

5 4. On or about July 20, 2007, Araceli Mercado, an employee of the Office of
6 the Attorney General, served by Certified and First Class Mail a copy of the Accusation No.
7 2008-16, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
8 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
9 which was and is 2055 13th Street, Clarkton, WA 99403. A copy of the Accusation and the
10 related documents are attached as exhibit A and are incorporated herein by reference.

11 5. Service of the Accusation was effective as a matter of law under the
12 provisions of Government Code section 11505, subdivision (c).

13 6. Business and Professions Code section 118 states, in pertinent part:

14 (b) The suspension, expiration, or forfeiture by operation of law of a
15 license issued by a board in the department, or its suspension, forfeiture, or
16 cancellation by order of the board or by order of a court of law, or its surrender
17 without the written consent of the board, shall not, during any period in which it
18 may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee
upon any ground provided by law or to enter an order suspending or revoking the
license or otherwise taking disciplinary action against the license on any such
ground.

19 7. Government Code section 11506 states, in pertinent part:

20 (c) The respondent shall be entitled to a hearing on the merits if the
21 respondent files a notice of defense, and the notice shall be deemed a specific
22 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

23 8. Respondent failed to file a Notice of Defense within 15 days after service
24 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
25 Accusation No. 2008-16.

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9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibit A, finds that the allegations in Accusation No. 2008-16 are true.

11. The total costs for investigation and enforcement are \$393.00 as of August 20, 2007.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Susan Carol Molina, also known as Susan C. Molina, has subjected her Registered Nurse License Number 587243 and Public Health Certificate Number 64473 to discipline.

2. A copy of the Accusation and the related documents are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License and Public Health Certificate based upon the following violation alleged in the Accusation: Business and Professions Code section 2761, subdivision (a)(4) (disciplinary action by the Idaho State Board of Nursing).

Attachments:

Exhibit A: Accusation No. 2008-16 and Related Documents

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-16

13 SUSAN CAROL MOLINA,
a.k.a. SUSAN C. MOLINA
14 2055 13th Street
Clarkton, WA 99403

ORDER ON DEFAULT DECISION

[Gov. Code §11520]

15 Registered Nurse License No. 587243
16 Public Health Nurse Certificate No. 64473

17 Respondent.
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19 IT IS SO ORDERED that Registered Nurse License Number 587243 and Public
20 Health Nurse Certificate No. 64473, heretofore issued to Respondent Susan Carol Molina, also
21 known as Susan C. Molina, are revoked.

22 Pursuant to Government Code section 11520, subdivision (c), Respondent may
23 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
24 within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on November 12, 2007

4 It is so ORDERED October 12, 2007.

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6 *LaTranene H Tate*

7 FOR THE BOARD OF REGISTERED NURSING
8 DEPARTMENT OF CONSUMER AFFAIRS
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. *2008-116*

13 SUSAN CAROL MOLINA,
a.k.a. SUSAN C. MOLINA
14 2055 13th Street
Clarkton, WA 99403

A C C U S A T I O N

15 Registered Nurse License No. 587243
16 Public Health Nurse Certificate No. 64473

17 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License No. 587243**

24 2. On or about September 12, 2001, the Board issued Registered Nurse
25 License Number 587243 to Susan Carol Molina, also known as Susan C. Molina ("Respondent").
26 Respondent's registered nurse license expired on July 31, 2005.
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1 **Public Health Nurse Certificate No. 64473**

2 3. On or about November 30, 2001, the Board issued Public Health Nurse
3 Certificate Number 64473 to Respondent. Respondent's public health nurse certificate expired
4 on July 31, 2005.

5 **STATUTORY PROVISIONS**

6 4. Business and Professions Code ("Code") section 2750 provides, in
7 pertinent part, that the Board may discipline any licensee, including a licensee holding a
8 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
9 2750) of the Nursing Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a
11 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
12 against the licensee or to render a decision imposing discipline on the license. Under Code
13 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
14 years after the expiration.

15 6. Code section 2761, subdivision (a)(4), states that the Board may take
16 disciplinary action against a certified or licensed nurse for unprofessional conduct, which
17 includes, but is not limited to, denial of licensure, revocation, suspension, restriction, or any other
18 disciplinary action against a health care professional license or certificate by another state or
19 territory of the United States, by any other government agency, or by another California health
20 care professional licensing board. A certified copy of the decision or judgment shall be
21 conclusive evidence of that action.

22 **Cost Recovery**

23 7. Code section 125.3 provides, in pertinent part, that the Board may request
24 the administrative law judge to direct a licensee found to have committed a violation or
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
26 and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Idaho State Board of Nursing)**

3 8. Respondent is subject to disciplinary action pursuant to Code section
4 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about February 9,
5 2007, pursuant to the Findings of Fact, Conclusions of Law and Final Order issued by the Idaho
6 State Board of Nursing ("Idaho Board"), in the disciplinary proceeding titled *In the Matter of the*
7 *License of: Susan C. Molina, etc.*, Case No. BON 06-021, the Idaho Board revoked License No.
8 N-32698 issued to Respondent. A true and correct copy of the Findings of Fact, Conclusions of
9 Law and Final Order is attached as exhibit "A" and incorporated herein by reference. The
10 disciplinary action was based, in part, upon the following conduct of Respondent:

11 a. Respondent admitted to staff at St. Joseph Regional Medical Center that
12 she used recreational drugs.

13 b. Respondent was not in compliance with the contract she signed with the
14 Program for Recovering Nurses in that she failed to send in her registration information so that
15 she could begin urinalysis testing; failed to test on a selection date; and failed to attend AA
16 meetings, Health Professionals support group, or meet with her sponsor.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein
19 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 587243, issued
21 to Susan Carol Molina, also known as Susan C. Molina;

22 2. Revoking or suspending Public Health Certificate Number 64473, issued
23 to Susan Carol Molina, also known as Susan C. Molina;

24 3.. Ordering Susan Carol Molina, also known as Susan C. Molina, to pay the
25 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
26 case, pursuant to Business and Professions Code section 125.3; and

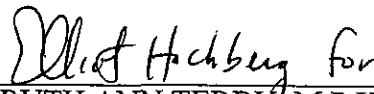
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4.. Taking such other and further action as deemed necessary.

DATED: 7/16/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

SUSAN C. MOLINA,
License No. N-32698,

Respondent.

Case No. BON 06-021

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER**

Nursing\Molina\P70301kb

Having reviewed the Complaint and other documents filed in this matter, the Idaho State Board of Nursing (hereinafter the "Board") enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Susan C. Molina ("Respondent") is licensed by the Idaho State Board of Nursing under License No. N-32698 to engage in the practice of nursing in the State of Idaho.
2. On January 25, 2006, while employed at St. Joseph Regional Medical Center ("St. Joseph") in Lewiston, Idaho, Respondent met with the Assistant Administrator of Patient Care Services and the Director of Medical/Surgical Units regarding the following concerns:
 - a. Erratic behavioral swings during the previous six months;
 - b. Energy swings from hyperactivity to difficulty staying awake when giving reports to the next shift;
 - c. Difficulty following through in a timely manner with tasks when acting as a charge nurse;
 - d. Caregivers reporting that Respondent was unavailable to help when needed due to smoke and lunch breaks; and
 - e. Delaying a patient discharge because of eating a snack and the caregiver having to redirect Respondent to discharge the patient before Respondent went on a smoke break.

3. During the January 25, 2006, meeting at St. Joseph, Respondent admitted to using recreational drugs. Respondent was then placed on a personal leave of absence and agreed to enter an inpatient treatment program.

4. On or about April 20, 2006, Respondent voluntarily self-referred to the Program for Recovering Nurses (PRN).

5. In the contract executed with the PRN, Respondent acknowledges that she suffers from a chemical dependency and/or mental condition that may impair her ability to practice nursing safely. Respondent also agreed to abstain from the use of alcohol and all legal or illegal drugs unless prescribed for health care reasons while enrolled in the PRN.

6. On or about May 22, 2006, St. Joseph notified the Board that St. Joseph had terminated Respondent's employment because Respondent had failed to arrange for the outpatient treatment program's required urine drug screens and failure to contact her department director.

7. On or about June 8, 2006, the PRN notified the Board that Respondent was not in compliance with her PRN contract due to not sending in her registration information for NCPS so that she could begin urinalysis testing.

8. On or about August 30, 2006, the PRN notified the Board that Respondent was not in compliance with her PRN contract due to failing to test on a selection date and continuing to not attend AA meetings, Health Professionals support group, or meeting with her sponsor.

9. By letter dated October 3, 2006, the Board informed Respondent that this matter would be reviewed by the Program for Recovering Nurses Advisory Committee at its October 27, 2006, meeting and that she could request to meet with the Committee by calling the Board office by October 10, 2006, to request an appointment time. Respondent failed to request an appointment time to meet with the Committee.

/ / /

10. On December 1, 2006, the Board filed a formal Complaint against Respondent. Said Complaint is expressly incorporated herein and made a part hereof.

11. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on December 1, 2006, by United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at her most recent home address on file with the Board, as follows:

Susan C. Molina
3519 11th Street
Lewiston, ID 83501

12. The Board received back from the post office the certified mail envelope containing a copy of the Complaint which was marked "unclaimed" by the post office. The Board did not receive back from the post office the envelope containing a copy of the Complaint which was sent to Respondent by regular mail.

13. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's license without the necessity of conducting a hearing.

14. On January 12, 2006, a Notice of Intent to Take Default was sent to Respondent by United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, to Respondent at her address of record with the Board. Neither envelope has been returned to the Board.

15. Respondent failed to appear or otherwise defend at the hearing scheduled during the Board meeting that took place on February 8-9, 2007, as advised in the Notice of Intent.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 14, Idaho Code.
2. The Complaint was sent to Respondent at the address on file with the Board. Respondent was duly and lawfully given notice of proceedings against her license pursuant to the provisions of IDAPA 04.11.01.055.
3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.
4. Respondent's acts as detailed in the incorporated Complaint constitute violations of Idaho Code §§ 54-1413(1)(e) and (g) and Board Rules (IDAPA 23.01.01) 100.06, 100.08, 101.03.e, and 101.05.c., thereby authorizing the Board to impose sanctions against Respondent pursuant to Idaho Code §§ 54-1413(3)(a) and 67-5242(4).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. Pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, Respondent is in default.
2. License No. N-32698 issued to Susan C. Molina is:
 ☒ Revoked
 _____ Suspended _____ days/year(s) _____ indefinitely
3. Any application for reinstatement of licensure by Respondent shall be subject to the provisions of Idaho Code § 54-1411(3) and IDAPA 23.01.01.120.

This order is effective immediately.

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